

Appl. No. 10/648,707
Docket No: 14418US03
Resp. dtd. Apr. 13, 2006
Reply to Office action of Jan. 30, 2006

REMARKS

Claims 43-84 were pending in the present application, of which claims 43-65 and 77-84 have been cancelled, and to which claims 90-97 have been added by the current amendment.

Former claims 43-84 presently stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of prior U.S. Patent No. 6,665,536.

As an initial matter, the Applicant would like to direct the Examiner's attention to the restriction/election requirement. As acknowledged in the Office Action, the Applicant has elected the Group II claims (*i.e.*, claims 66-71, 73-76 and 85-89) for prosecution on the merits.

The present amendment has relocated former claims 77-84 to claims 90-97. Thus, previously identified Group III now contains claims 72 and 90-97. The present amendment has also amended claim 90 so that claims 90-97 each depend directly or indirectly from elected claim 85. Thus, each of the claims previously identified as Group III claims (*i.e.*, claims 72 and 90-97) now depend from elected Group II claims. Such amendment is in accordance with MPEP § 821.04, which advises the Applicant to amend claims directed to non-elected inventions during prosecution to require the limitations of the elected invention. MPEP § 821.04 advises the Applicant to perform such amendments during prosecution to retain the right to rejoiner of the non-elected claims.

Additionally, the present amendment cancels the Group I claims (*i.e.*, claims 43-65) without prejudice. The Applicant intends to pursue such claims in a divisional application.

Turning next to the rejection of former claims 43-84 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of prior U.S. Patent No. 6,665,536, the Applicant respectfully traverses this rejection.

A representative of the Applicant filed a terminal disclaimer on November 21, 2005, which was not approved because it was not signed by an attorney of record. A

FROM McANDREWS, HELD, & MALLOY

(THU) 4.13'06 11:31/ST. 11:27/NO. 4861050363 P 13

Appl. No. 10/648,707
Docket No: 14418US03
Resp. dtd. Apr. 13, 2006
Reply to Office action of Jan. 30, 2006

terminal disclaimer, signed by the attorney of record, is included herewith to overcome the obviousness-type double patenting rejection.

In summary, the Applicant asserts that the present pending claims are in condition for allowance and courteously solicits an expeditious Notice of Allowability with respect to all pending claims. If the Examiner disagrees or has questions regarding this submission, the Applicant respectfully requests that the Examiner telephone the undersigned at 312-775-8000.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: April 13, 2006

Respectfully submitted,



Shawn L. Peterson
Attorney for applicant
Reg. No. 44,286

McAndrews, Held & Malloy, Ltd.
500 West Madison Street
Chicago, Illinois 60661
Telephone: (312) 775-8000